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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : T. NAKAZATO et al.

Serial No. : Not Yet Assigned

Filed : Concurrently Herewith

For : VIDEO GAME HAVING SMOOTH CHARACTER CONTROL


CLAIM OF PRIORITY

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant hereby claims the right of priority granted pursuant to 35 U.S.C. 119 based upon
Japanese Application No. 2001-095450, filed March 29, 2001.

Respectfully submitted,
T. NAKAZATO et al.


Bruce H. Bernstein
Reg. No. 29,027
33,329

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GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

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拒絶理由通知書



特許出願の番号	特願2001-095450
起案日	平成14年11月29日
特許庁審査官	松川 直樹 8804 2T00
特許出願人代理人	三好 千明 様
適用条文	第29条第2項、第29条の2、第36条

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理 由

理由1：この出願は、特許請求の範囲の記載が下記の点で、特許法第36条第6項第2号に規定する要件を満たしていない。

理由2：この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

理由3：この出願の下記の請求項に係る発明は、その出願の日前の特許出願であって、その出願後に出願公開がされた下記の特許出願の願書に最初に添付された明細書又は図面に記載された発明と同一であり、しかも、この出願の発明者がその出願前の特許出願に係る上記の発明をした者と同じではなく、またこの出願の時に、その出願人が上記特許出願の出願人と同一でもないので、特許法第29条の2の規定により、特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

A. 理由1

(1) 本願請求項1、2、3、4における記載「プレイヤーにより前記方向キーが操作された際に、前記入力方向を前記キャラクタの向きと前記視線とが交差する角度で補正し、これにより得られた方向を前記三次元空間内におけるキャラクタの進行方向として生成する」では、「キャラクタの向き」と入力キーの入力方向との関係が不明で、この「キャラクタの向き」と「視線」の交差角度分を、プレイヤーによる「方向キー」の方向にどう加算あるいは減算して補正するのか記載がなく、「キャラクタの向き」と入力キーの入力方向との関係がどのように補正さ

れるのか不明である。

また、本願請求項1、2、3、4における記載「視線の移動に拘わらず前記憶手段に記憶されている進行方向に、前記三次元空間内において前記キャラクタを移動させる」では視線が移動することを前提にしているが、視線の移動に係る構成は「画面上に視線を変化させながら仮想的な三次元空間を表示する」と記載されているのみであり、視線が何の指示でどのように移動するのか不明で、特許出願人が特許を受けようとする発明を特定するために必要と認める事項のすべてを記載しているとは認められない。

よって、請求項1、2、3、4に係る発明は明確でない。

B. 理由2

1. 各引用文献

本願特許出願前に日本国内において、頒布された刊行物である下記各引用文献にはそれぞれ下記の点が記載されている。

(1) 引用文献1 特開2000-132705号公報

「視点移動中には自キャラに対する指示入力を行えないように制御する。しかし、この制御に限定されるものではなく、自キャラと敵キャラの行動が十分表示されるようなアングルでの視点の移動が行われているのであれば、指示入力を受け付けてもよい。この場合は、戦闘直後の素早い決断が求められるので、より緊迫したゲーム展開が可能になる。」(段落【0061】)

2. 比較・対比

(1) 本願請求項1に記載された発明と上記引用文献1に記載された発明を比較すると、引用文献1に記載された発明には、「画面上に視線を変化させながら仮想的な三次元空間を表示するとともにキャラクタを表示し、プレイヤーにより操作される方向キーによる入力方向に基づいて、前記キャラクタを前記三次元空間内において移動させるビデオゲーム」において、視点移動中に自キャラに対する指示入力を受け付ける点が記載されている。

ここで、自キャラに対する指示入力にはキャラクタの移動は含まれ、同じ方向を指示しつづけることも常套手段であるが、引用文献1には、この場合の移動方向とキャラクタの向きと視点移動の関連については記載されていない。

しかしながら、視点移動中にキャラクタの移動を指示する以上、キャラクタの移動方向は、視点の移動方向に関係なく移動を入力したときの移動方向(空間に対する絶対的な移動方向)か、視点の移動に伴い順次移動する(キャラクタの立場から見た移動方向)かのいずれかしかなく、どちらの構成とするかは適宜ゲームを設計するときに決める設計的事項にすぎない。

したがって、本願請求項1に記載された発明は引用文献1に記載された発明か

ら容易に想到し得たものである。

(2) 本願請求項2、3、4に記載された発明と上記引用文献1に記載された発明を比較すると、本願請求項2、3、4に記載された発明はそれぞれ、請求項1に記載された発明のカテゴリーを変更したものにすぎないため、上記2.(1)に述べた理由と同じ理由により、本願請求項2、3、4に記載された発明は引用文献1に記載された発明より容易に想到し得たものである。

したがって、本願請求項1、2、3、4に記載された発明は、当業者が引用文献1に記載された発明から容易に想到することができたものであり、特許法第29条第2項の規定により特許を受けることができない。

C. 理由3.

1. 先願明細書等

先願1 特願2000-88606号(特開2001-269482号)の願書に最初に添付した明細書又は図面

上記先願1には、自キャラクタが移動中(段落【0040】)に、自キャラクタと敵キャラクタが所定距離となると視点移動を行う、キャラクタを三次元空間内において移動させるビデオゲームにおいて、視点移動の際の視点は注視点とする点が記載されている。

2. 比較・対比

本願請求項1、2、3、4に記載された発明と上記先願1に記載された発明を比較すると、先願1の発明は、キャラクタの移動方向と視点移動の関係については明記されていないが、キャラクタの移動方向はキャラクタの移動方向で個別であり、視点移動は視点移動で注視点の方向を注視するのみであって、視線とが交差する角度で補正するものではないが、キャラクタの移動方向に視点移動が影響しない点では、本願請求項1、2、3、4に記載された発明と技術的に一致しており、キャラクタの移動方向の補正は(記載が不明瞭であるため実質的に)設計的事項にすぎないため、先願1は本願請求項1、2、3、4に記載された発明と同一の発明である。

したがって、本願請求項1、2、3、4に記載された発明は、特許法第29条の2の規定により特許を受けることができない。

この拒絶理由通知書中で指摘した請求項以外の請求項に係る発明については、現時点では、拒絶の理由を発見しない。拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

引用文献等一覧

1. 引用文献1 特開2000-132705号公報
2. 先願1 特願2000-88606号(特開2001-269482号)の願書に最初に添附した明細書又は図面

この拒絶理由通知書に対する問い合わせ先

特許審査第1部電子ゲーム

TEL 03-3581-1101 内線3266

先行技術文献調査結果の記録

- ・調査した分野 IPC第7版 A63F13/00
DB名
- ・先行技術文献 特開2000-24306号公報

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

RECEIVED

FEB 24 2003

TECHNOLOGY CENTER R3700

Reference Number: 01P00037

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NOTIFICATION OF REASONS FOR REFUSAL

Received
December 11, 2002
MIYOSHI Patent Office

Number of Patent Application	PA-2001-095450
Proposed Date	November 29, 2002
Examiner of Patent Office	Naoki Matsukawa 8804 2T00
Agent for Patent Applicant	Mr. Chiaki Miyoshi
Applied Articles of Law	Article 29 Section 2, Article 29bis, Article 36

This application should be refused by the following reasons.
If there are opinions about this, please submit Argument within
60 days from the dispatched date of this notification.

REASONS

Reason 1: This application does not meet the requirements
provided in No.2 of Section 6 of Article 36 of Patent Law on
the following remark points.

Reason 2: The inventions according to the following claims of this application can not be patented under the provision of Section 2 of Article 29 of Patent Law, since it could easily have been made, prior to the filing of the application, by a person with ordinary skilled in the art to which the invention pertains, on the basis of an invention or inventions which were described in the following remark publications distributed in Japan or foreign countries prior to the filing of the application or an invention or inventions which were made available to the public through electric telecommunication lines in Japan or foreign countries prior to the filing of the patent application.

Reason 3: The inventions according to the following claims of this application can not be patented under the provision of Article 29bis of Patent Law, since it is identical with an invention disclosed in the specification or drawings originally attached to the request of the following remark patent application which was filed prior to its filing date and laid-opened after its filing, and further, an inventor or inventors of this application is not identical with a person which made the above- described invention relating to the application prior to its filing, and also, at the time of this filing, its applicant is not identical with the applicant of the above-described patent application.

REMARK

(As to cited references etc., see LIST OF CITED REFERENCES ETC.)

A. Reason 1

(1) In the description "on the occasion that the direction key is operated by the player, the input direction is corrected by such an angle that an aspect of the character and the visual line cross, and the direction obtained thereby is generated as a moving direction of the character in the three dimensional space" in Claims 1, 2, 3, and 4 of the present application, relation of the "aspect of the character" and the input direction of the input key is unclear, and there is no description as to how the cross angle portion of this "aspect of the character" and "visual line" is corrected in the direction of the "direction key" by the player by addition or subtraction, and it is unclear how the relation of the "aspect of the character" and the input direction of the input key is corrected.

Also, in the description "regardless of the movement of the visual line, in the moving direction which is stored in the memory means, the character is made to be moved in the three dimensional space" in Claims 1, 2, 3, and 4 of the application, there is the assumption that the visual line moves but, the structure relating to the movement of the visual line is simply described as "as changing the visual line on the screen, the virtual three dimensional space is displayed", and it is unclear

by what instruction and how the visual line moves, and it is not recognized that all of items which are recognized to be necessary for specifying the invention that the patent applicant wishes to obtain a patent are described.

Accordingly, the inventions relating to Claims 1, 2, 3, and 4 are not clear.

B. Reason 2

1. Each cited reference

The following points are described respectively in the following each cited reference which is the publication distributed in Japan prior to the filing of the present patent application.

(1) Cited reference 1 JP-A-2000-132705

"It is controlled so that the instruction input to his/her own character can not be carried out during the period of movement of the visual point. However, it is not limited to this control, and if the movement of the visual point is carried out by such angle that performances of the own character and the enemy character are sufficiently displayed, the instruction input may be accepted. In this case, since the agile decision right after the battle is needed, more strained game development becomes possible." (Paragraph [0061])

2. Comparison and contradistinction

(1) Comparing the invention described in Claim 1 of the application and the invention described in the cited reference 1, in the invention described in the cited reference 1, it is described that, in "the video game in which as changing the visual line on the screen, the virtual three dimensional space is displayed and also, the character is displayed, and based upon the input direction by the direction key which is operated by the player, the character is moved in the three dimensional space", the instruction input to the own character is accepted during the period of movement of the visual point.

Here, although it is the common practice that the movement of the character is contained in the instruction input to the own character, and the same direction is continued to be instructed, in the cited reference 1, there is no description as to the relation of the moving direction and aspect of the character and movement of the visual point in this case.

However, since the movement of the character is instructed during the period of visual point movement, there is no other choice than the moving direction when the movement was inputted regardless of the moving direction of the visual point (absolute moving direction to the space) or sequential moving together with the movement of the visual point (moving direction seen from a position of the character), and which structure should

be selected is simply a matter of design which is determined properly when a game is designed.

Accordingly, the invention described in Claim 1 of the application is one which could easily have been made from the invention described in the cited reference 1.

(2) Comparing the inventions described in Claims 2, 3, and 4 of the application and the invention described in the cited reference 1, since the inventions described in Claims 2, 3, and 4 of the application are simply ones which changed the category of the invention described in Claim 1, by the same reason as the reason described in above 2.(1), the inventions described in Claims 2, 3, and 4 of the application are ones which could easily have been made from the invention described in the cited reference 1.

Accordingly, the inventions described in Claims 1, 2, 3, and 4 of the application are ones which could easily have been made from the invention described in the cited reference 1 by a person with ordinary skilled in the art, and they can not be patented under the provision of Section 2 of Article 29 of Patent Law.

C. Reason 3

1. Specification etc. of an earlier application

Earlier application 1 Specification or drawings originally attached to the request of the patent application No. 2000-88606 (JP-A-2001-269482)

In the earlier application 1, described is a point that, in the video game in which the character is moved in the three dimensional space and in which, during movement of the own character (Paragraph[0040]), when the own character comes close to the enemy character with the predetermined distance between them, the movement of the visual point is carried out, the visual point on the occasion of the visual point movement is made to be the point of regard.

2. Comparison and contradistinction

Comparing the inventions described in Claims 1, 2, 3, and 4 of the application and the invention described in the earlier application 1, in the invention of the earlier application 1, there is no clear description as to the relation of the moving direction of the character and the movement of the visual point but, the moving direction of the character is the movement of the character, which is individual, and the movement of the visual point is the movement of the visual point, which simply keeps close watch on the direction of the regard point, and it is not

one which carries out correction by the crossing angle of it and the visual line but, as to a point that the movement of the visual point does not affect the moving direction of the character, it technically coincides with the inventions described in Claims 1, 2, 3, and 4 of the application, and since the correction of the moving direction of the character is simply (substantially since the description is unclear) a matter of design, the invention of the earlier application 1 is identical with the inventions described in Claims 1, 2, 3, and 4 of the application.

Accordingly, the inventions described in Claims 1, 2, 3, and 4 of the application can not be patented under the provision of Article 29bis of Patent Law.

As to the inventions relating to other claims than the claims which were pointed out in this notification of reasons for refusal, reasons for refusal have not been found at this point. In case that the reasons for refusal are newly found, the reasons for refusal will be notified.

LIST OF CITED REFERENCES ETC.

1. Cited reference 1 JP-A-2000-132705
2. Earlier application 1 Specification or drawings
originally attached to the request of the patent application
No. 2000-88606 (JP-A-2001-269482)

Inquiry to this notification of reasons for refusal:

Electronic Game, Patent Examination No.1 Department

TEL 03-3581-1101 Extension 3266

RECORD OF RESULTS OF PRIOR ART LITERATURE SEARCH

- Field of Search IPC Ver.7 A63F13/00

DB Name

- Prior Art technical literature

JP-A-2000-24306

This record of results of prior art literature search is
not one which configures the reasons for refusal.